

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DOMINGO COLON-MONTANEZ,

Petitioner,

v.

THERESA A. DELBALSO,

Respondent.

CIVIL ACTION NO. 3:15-CV-02442
(JUDGE CAPUTO)

(MAGISTRATE JUDGE
MEHALCHICK)

ORDER

NOW, this 8th day of July, 2016, **IT IS HEREBY ORDERED** that:

- (1) Magistrate Judge Mehalchick's Report and Recommendation (Doc. 15) is **ADOPTED in its entirety**.
- (2) The Petition for Habeas Corpus (Doc. 1) is **DISMISSED without prejudice** to the Petitioner's right to seek pre-authorization from the Third Circuit under 28 U.S.C. § 2244(b)(3).
- (3) A certificate of appealability shall not be issued.
- (4) The Clerk of Court is directed to mark this case as **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge